

Exhibit A

From: Melanie Bolls <Melanie@bruerlaw.com>
Sent: Monday, February 12, 2018 2:14 PM
To: Richard North; Maria Turner; Matthew Lerner
Cc: Sofia Bruera
Subject: Alice Cervantes vs C R Bard Incorporated and Bard Peripheral Vascular Incorporated Case No. 2:18-cv-00473-DGC
Attachments: Filed Complaint.pdf; FORM - Waiver of Service of Summons - Bard Peripheral Vascular.pdf; FORM - Waiver of Service of Summons - CR Bard.pdf; FORM - Ntc of Lawsuit & Rqst for Waive Service - Bard Peripheral Vascular.pdf; FORM - Ntc of Lawsuit & Rqst for Waive Service - CR Bard.pdf

Dear Counsels,

Pursuant to CMO 4, I am forwarding the attached filed Complaint and request for waiver on behalf of Ms. Bruera.

Melanie Bolls
Paralegal



m: 832-430-4000 d: 281-369-4448 p/f: 832-558-3523 a: 3120 Southwest Fwy, Suite 215, Houston, TX 77098
w: www.bruerlaw.com e: melanie@bruerlaw.com

THE INFORMATION CONTAINED IN THIS TRANSMISSION IS A PRIVILEGED ATTORNEY CLIENT COMMUNICATION, WORK PRODUCT AND/OR CONFIDENTIAL COMMUNICATION. THIS INFORMATION IS INTENDED FOR THE USE OF THE INDIVIDUAL OR ENTITY IT IS ADDRESSED TO. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED.

UNITED STATES DISTRICT COURT
for the
District of Arizona

Alice Cervantes

Plaintiff

v.

C.R. Bard, Inc., Bard Peripheral Vascular, Inc.

Defendant

Civil Action No. 2:18-cv-00473-DGC

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Bard Peripheral Vascular, Inc.

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days *(give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States)* from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 02/12/2018

Signature of the attorney or unrepresented party

Sofia E. Bruera

Printed name

3701 Kirby Drive, Ste. 760, Houston, TX 77098

Address

sofia@brueralaw.com

E-mail address

(832) 690-7000

Telephone number

UNITED STATES DISTRICT COURT
for the
District of Arizona

Alice Cervantes

Plaintiff

v.

C.R. Bard, Inc., Bard Peripheral Vascular, Inc.

Defendant

Civil Action No. 2:18-cv-00473-DGC

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To: C.R. Bard, Inc.

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

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UNITED STATES DISTRICT COURT
for the
District of Arizona

Alice Cervantes

Plaintiff

v.

C.R. Bard, Inc., Bard Peripheral Vascular, Inc.

Defendant

Civil Action No. 2:18-cv-00473-DGC

WAIVER OF THE SERVICE OF SUMMONS

To: Sofia E. Bruera

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 02/12/2018, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

Bard Peripheral Vascular, Inc.

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

AO 399 (01/09) Waiver of the Service of Summons

UNITED STATES DISTRICT COURT
for the
District of Arizona

Alice Cervantes

Plaintiff

v.

C.R. Bard, Inc., Bard Peripheral Vascular, Inc.

Defendant

Civil Action No. 2:18-cv-00473-DGC

WAIVER OF THE SERVICE OF SUMMONS

To: Sofia E. Bruera

(Name of the plaintiff's attorney or unrepresented plaintiff)

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from 02/12/2018, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: _____

Signature of the attorney or unrepresented party

C.R. Bard, Inc.

Printed name of party waiving service of summons

Printed name

Address

E-mail address

Telephone number

Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

IN RE BARD IVC FILTERS
PRODUCTS LIABILITY LITIGATION

No. MD-15-02641-PHX-DGC

**MASTER SHORT FORM COMPLAINT
FOR DAMAGES FOR INDIVIDUAL
CLAIMS**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364).

Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

Alice Cervantes

2. Spousal Plaintiff/Deceased Party's spouse or other party making loss of consortium claim:

None

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):

N/A

4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of implant:

Florida

5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at the time of injury:

Florida

6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

Florida

7. District Court and Division in which venue would be proper absent direct filing:

United States District Court for the Middle District of Florida

8. Defendants (check Defendants against whom Complaint is made):

☒ C.R. Bard Inc.

☒ Bard Peripheral Vascular, Inc.

9. Basis of Jurisdiction:

☒ Diversity of Citizenship

☐ Other: _____

☐ Other allegations of jurisdiction and venue not expressed in Master Complaint:

10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a claim (Check applicable Inferior Vena Cava Filter(s)):

☐ Recovery[®] Vena Cava Filter

☒ G2[®] Vena Cava Filter

☐ G2[®] Express (G2[®]X) Vena Cava Filter

☐ Eclipse[®] Vena Cava Filter

☐ Meridian[®] Vena Cava Filter

- ☐ Denali[®] Vena Cava Filter
- ☐ Other: _____

11. Date of Implantation as to each product:

February, 2009

12. Counts in the Master Complaint brought by Plaintiff(s):

■ Count I: Strict Products Liability – Manufacturing Defect

■ Count II: Strict Products Liability – Information Defect
(Failure to Warn)

■ Count III: Strict Products Liability – Design Defect

■ Count IV: Negligence - Design

■ Count V: Negligence - Manufacture

■ Count VI: Negligence – Failure to Recall/Retrofit

■ Count VII: Negligence – Failure to Warn

■ Count VIII: Negligent Misrepresentation

■ Count IX: Negligence *Per Se*

■ Count X: Breach of Express Warranty

■ Count XI: Breach of Implied Warranty

■ Count XII: Fraudulent Misrepresentation

■ Count XIII: Fraudulent Concealment

■ Count XIV: Violations of Applicable FL (insert state)

Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices

■ Count XV: Loss of Consortium

- ☐ Count XVI: Wrongful Death
- ☐ Count XVII: Survival
- ☒ Punitive Damages
- ☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below:

RESPECTFULLY SUBMITTED this 12th day of February, 2018.

PIERCE SKRABANEK, PLLC

/s/ Sofia E. Bruera
Sofia E. Bruera
Bar No. 24062189
3701 Kirby Drive, Suite 760
Houston, TX 77098
Telephone: (832) 690-7000
Facsimile: (832) 616-5576
E-Mail: sofia@bruerlaw.com

ATTORNEYS FOR PLAINTIFF

I hereby certify that on this 12th day of February, 2018, I electronically transmitted the attached documents to the Clerk's office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Sofia E. Bruera
Sofia E. Bruera

**UNITED STATES DISTRICT COURT
DISTRICT OF ARIZONA**

Civil Cover Sheet

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is authorized for use only in the District of Arizona.

**The completed cover sheet must be printed directly to PDF and filed as an attachment to the
Complaint or Notice of Removal.**

Plaintiff(s): Alice Cervantes

**Defendant(s): C. R. Bard Inc. ; Bard Peripheral
Vascular, Inc**

County of Residence: Outside the State of Arizona

County of Residence: Outside the State of Arizona

County Where Claim For Relief Arose: Outside the
State of Arizona

Plaintiff's Atty(s):

Defendant's Atty(s):

**SOFIA BRUERA
PIERCE SKRABANEK PLLC
3701 Kirby Dr. Suite 760
Houston, Texas 77098
8326907000**

II. Basis of Jurisdiction:

4. Diversity (complete item III)

III. Citizenship of Principal
Parties (Diversity Cases Only)

Plaintiff:- **2 Citizen of Another State**

Defendant:- **5 Non AZ corp and Principal place of Business outside AZ**

IV. Origin :

1. Original Proceeding

V. Nature of Suit:

365 Personal Injury - Product Liability

VI. Cause of Action:

28 USC 1332

VII. Requested in Complaint

Class Action: **No**

Dollar Demand:

Jury Demand: **Yes**

VIII. This case IS RELATED to Case Number **MDL 1502641** assigned to Judge **Judge David G Campbell.**

2/12/2018

Case 2:18-cv-00473-DGC Document 1-1 Filed 02/12/18 Page 2 of 2

Signature: /s/ SOFIA E. BRUERA

Date: 02/12/2018

If any of this information is incorrect, please go back to the Civil Cover Sheet Input form using the *Back* button in your browser and change it. Once correct, save this form as a PDF and include it as an attachment to your case opening documents.

Revised: 01/2014